

1 HONORABLE RICARDO S. MARTINEZ
2
3
4
5
6
7
8

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 AT&T MOBILITY LLC,

10 Plaintiff,

11 v.

12 MARC SAPATIN, SAPATIN NGUYEN
13 ENTERPRISES, INC., SAPATIN
ENTERPRISES, INC., NGUYEN LAM,
14 KYRA EVANS, PRASHANT VIRA, SWIFT
UNLOCKS, INC. and JOHN DOES 1-50,
15 United States individuals and entities,

16 Defendants.

No. 2:15-cv-01462-RSM

ORDER GRANTING JOINT MOTION
TO EXTEND STAY

NOTING DATE: December 12, 2022

17
18 This matter came on for hearing upon the Joint Motion to Extend Stay submitted by the
19 parties.

20 Having considered the motion, the Court continues the current stay of the case, subject
21 to the following conditions:

22 a. AT&T may only seek relief from the stay or case closure as to a currently named
23 Defendant if restitution is not adjudicated in the related criminal proceedings referenced above.
24 AT&T's right to seek relief from the stay or case closure in order to seek leave to amend the
25 Complaint to name additional defendants, however, shall not be restricted by this Order.

26
ORDER GRANTING CONSENT MOTION TO
EXTEND STAY- 1
Case No. 2:15-cv-01462-RSM

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1 b. AT&T shall promptly dismiss with prejudice all claims against each Defendant
2 whose criminal proceeding is final and has resulted in AT&T having the opportunity to request
3 restitution against that Defendant.

4 c. For the avoidance of confusion, such dismissal shall occur no later than ten (10)
5 days after AT&T is notified that a guilty plea has been entered that affords AT&T the
6 opportunity to request restitution against that particular Defendant and a sentence against that
7 particular Defendant has been entered.

8 d. If a related criminal proceeding has not yet resulted in the adjudication of
9 restitution as to a particular Defendant by the time a temporary stay of proceedings expires, the
10 remaining Parties shall stipulate to an additional stay or closure of this case, subject to approval
11 by the Court, under the same terms as set forth herein.

12 e. AT&T shall not pursue claims against a remaining Defendant unless AT&T is
13 denied the opportunity to request restitution in that Defendant's criminal case.

14 f. AT&T's dissatisfaction with the amount of restitution awarded against a
15 particular Defendant, or a criminal court's decision not to award any restitution to AT&T, shall
16 not provide AT&T with a basis to pursue claims against that Defendant.

17 g. AT&T will report to the Court by no later than June 1, 2023 regarding the current
18 status of all federal criminal investigations into the Defendants and whether there are grounds
19 that would warrant allowing the case to remain open.

20
21
22
23
24
25
26

ORDER GRANTING CONSENT MOTION TO
EXTEND STAY- 2
Case No. 2:15-cv-01462-RSM

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

DATED this 14th day of December, 2022.



RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

Presented by:

/s/ David A. Bateman

David Bateman, WSBA #14262
K&L GATES LLP
925 Fourth Avenue, Suite 2900
Seattle, WA 98104-1158
Phone: (206) 370-6682
david.bateman@klgates.com

David L. Balser, Georgia Bar No. 035835
(pro hac vice application forthcoming)
Lawrence A. Slovensky, GA Bar No. 653005
(pro hac vice application forthcoming)
Edward A. Bedard, GA Bar No. 926148
(pro hac vice application forthcoming)
KING & SPALDING LLP
1180 Peachtree St. NE
Atlanta, Georgia 30309-3521
Tel: (404) 572-4600
Fax: (404) 572-5100

Counsel for Plaintiff
AT&T Mobility LLC

ORDER GRANTING CONSENT MOTION TO
EXTEND STAY- 3
Case No. 2:15-cv-01462-RSM

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022